

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL LUBIN,

Plaintiff,

Case No. 20-cv-13233

Hon. Matthew F. Leitman

v.

FCA US, LLC,

Defendant.

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**ORDER DENYING PLAINTIFF'S**  
**MOTION FOR RECONSIDERATION (ECF No. 45)**

On September 26, 2023, the Court issued an order granting Defendant FCA US, LLC's motion for summary judgment in this employment discrimination action. (*See* Order, ECF No. 43.) The Court entered judgment against Plaintiff Michael Lubin and in favor of FCA on that same day. (*See* Judgment, ECF No. 44.)

On October 25, 2023, Lubin filed a motion for reconsideration in which he claims that the Court erred when it granted FCA's motion and granted judgment in FCA's favor. (*See* Mot., ECF No. 45.) But Lubin mentions the Court's reasoning for ruling in FCA's favor only in passing. Instead of addressing the Court's analysis, Lubin spends most of his motion either repeating arguments that he made in his original response to FCA's motion for summary judgment and/or raising arguments that he could have raised earlier. However, "a motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could

have been argued earlier but were not.” *Smith ex rel. Smith v. Mt. Pleasant Public Schools*, 298 F.Supp.2d 636, 637 (E.D. Mich. 2003) (citing *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)). Indeed, “[a] motion for reconsideration should not be used liberally to get a second bite at the apple, but should be used sparingly to correct *actual* defects in the court's opinion.” *Executive Ambulatory Surgical Center, LLC v. State Farm Mutual Automobile Insurance Co.*, 492 F.Supp.3d 728, 731 (E.D. Mich. 2020) (emphasis in original). Simply put, Lubin has not identified any “actual defect[]” with the Court’s rulings in this case, and he has not persuaded the Court that it committed any error that warrants reconsideration here.

For all of the reasons explained above, Lubin’s motion for reconsideration (ECF No. 45) is **DENIED**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 27, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 27, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
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